

REMARKS

Applicant is refiling this supplemental response to comply with the requirements of 37 CFR 1.121. The previously filed response did not include the language "(ORIGINAL)" next to claims 3-16 and 18-30. The amendment now fully complies with 37 CFR 1.121.

The Examiner's careful review and examination of the subject application are noted and appreciated. With the current amendment, the present invention falls under the double patenting rejection over claims 1-11 of Ovshinsky et al. ('970) as stated in the Office Action dated April 9, 2003. A terminal disclaimer was filed with the previous supplemental response of July 23, 2003 to overcome the double patenting rejection based on Ovshinsky et al. ('970).

The present invention relates to a hydrogen storage material consisting essentially of a hydrogen storage alloy having the formula $Ti_{Q-X}Zr_XMn_{Z-Y-W}A_YCr_W$, wherein A is one or more elements selected from the group consisting of V, Fe, Ni, and Al, $0.9 \leq Q \leq 1.1$, $0.05 \leq X \leq 0.35$, $0.32 \leq Y \leq 1.8$, $1.8 \leq Z \leq 2.1$, $0.0 \leq W \leq 1.1$, and $2.85 \leq Q + Z \leq 3.05$.

Applicants have carefully reviewed the above-identified Office Action. Applicants contend that, in view of the clarifying remarks set forth herein, all bases of rejection have been overcome. Accordingly, Applicants respectfully request withdrawal of the pending rejections and allowance of the claims submitted.

SUPPORT FOR CLAIM AMENDMENTS

Support for amendment to the claims can be found in, for example, page 8, and specifically the TA-16 alloy in Table 1 on page 8 of the specification as originally filed. As such, no new matter has been added.

Accordingly, Applicant submits that the present amendment places the application in condition for allowance. The Examiner is respectfully requested to pass the application to issuance.

The Examiner is respectfully invited to call the Applicants' representative should it be deemed beneficial to further advance prosecution of the application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Frederick W. Mau II', written over a horizontal line.

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